

REMARKS

The present paper is presented responsive to the final Office Action mailed May 19, 2005.

Claims 1-38 were rejected under 35 U.S.C. §103(a) over a combination of Hawkins et al. and Lai et al. Reconsideration and withdrawal of these rejections are respectfully requested.

According to the claimed embodiments, a first request for content is received from the mobile device. Responsive thereto, the address of the requested format in a reference format is sent to the mobile device. A second request is then received from the mobile device subsequent to the first request for content, which second request specifies the address of the requested content and the type of mobile device. Responsive to this second request, the requested content is then fetched from the address specified in the second request received from the mobile device, converted into a format suitable to the type of mobile device, and the converted content is delivered to the mobile device.

The shortcomings of the Hawkins reference were discussed in detail in the previous amendment and acknowledged by the Examiner on page 19 of the outstanding Office Action:

Examiner rightfully notes that Hawkins does not teach in detail subsequent requests from the mobile device. It is the position of the Examiner that this amendment to the claims required new search. As a result, all claims previously rejected under 35 U.S.C. §102(e) has been removed and replaced with a rejection under 35 U.S.C. §103(a) over Hawkins and Lai.

Therefore, the Office acknowledges that Hawkins does not teach the claimed steps of receiving the first and second requests from the mobile device, as claimed. In support of the obviousness rejection, the Office states that:

Lai discloses a system and a method ... that permits expedited delivery of the media content when subsequent requests for the same media content

transcoding into the same destination type are received by the media transcoding engine..." [see Lai, column 17, lines 31-67]

It is respectfully submitted that Hawkins, even in combination with Lai, does not teach or suggest the claimed embodiment. Lai does not supply the teachings or suggestions acknowledged to be missing in the primary reference: Lai does not teach first and second requests from the mobile device as claimed herein. The passage excerpted by the Examiner is best considered in full and in context. Lai teaches a system in which a client requests media content from a transcoding engine. The transcoding engine obtains the requested media, transcodes it into a form acceptable to the requesting client and delivers the transcoded media to the client:

The media transcoding engine 106 acts as an intermediate between the content provider client 104 and the viewer client 102. As will be described in more detail below, the media transcoding engine 106 receives requests for media content from the viewer client 102 and obtains the requested media content from the content provider client 104. The media transcoding engine 106 then encodes the media content received from the content provider client 104 from a source type to a destination type that can be accommodated by the viewer client 102 and delivers the encoded media content to the viewer client 102. The media transcoding engine 106 performs the encoding and delivery of the requested media content on-demand in a manner that is transparent to the content provider as well as the viewer of the media content. Col. 7, lines 39-53, Abstract.

Thus, Lai teaches that the viewer client makes ONE request, after which the transcoding engine obtains the requested media content, encodes it and provides it to the viewer client. Also, see "E. Accessing Media Content According to Embodiments of the Present Invention", beginning at Column 14, line 19.

The passage above excerpted by the Examiner, when reproduced in full, states that

after the encoding is complete, a copy of the encoded media content is temporarily stored in the encoded cache 212, permitting expedited delivery of the media content when subsequent requests for the same media content encoded in the same destination type are received by the media transcoding engine 106.

Therefore, Lai does not teach that the mobile devices makes a first and second request, as claimed herein. Instead, Lai teaches to store a copy of the transcoded media content in a cache memory on the chance that it may receive future requests (presumably from other viewer clients) for the same media content transcoded in the same manner. Therefore, in that passage, Lai only teaches to keep a copy of the media content stored locally in case someone else requests it – thereby saving itself from duplicating its transcoding efforts.

Therefore, Lai does not supply the teachings or suggestions that are missing in Hawkins. Indeed, the Hawkins et al. method, as discussed in Columns 13 and 14 as well as Fig. 2, calls for three phases: a distributed web site process, a query process and a response process. The distributed web site process calls for an application to be created to handle requests from mobile devices. Hawkins et al. teach that an application is created for each web site. This allows some static content to be pre-stored on the mobile device and the dynamic portion of the web site to be downloaded to the mobile device upon request. The query process is the second of the three phases. In this phase, the user fills out a query form and submits the form, which initiates the wireless CTP query to the proxy server 180. The proxy server 180 converts the CTP query to HTTP format and forwards the converted query to the web server 140, which completes the query phase. Note the absence of any step in which a second request for content is received from the mobile device. The response phase (described beginning at Col. 14, line 59) includes the proxy server converting the web server's response into a query response 107, which is then transmitted over the private wireless network 172 to the mobile device, which then incorporates the received response data (the dynamic portion of the requested web site) into the static portion of the web site pre-loaded into the mobile device (see Col. 13, lines 1-9).

Hawkins et al. does not teach sending to the mobile device an address of the content in a reference format in combination with fetching the requested the requested content in the reference format from the specified address and converting the fetched content from the reference format to a format suitable to the mobile device responsive to the second request for content from the mobile device. Therefore, in both Hawkins and Lai, the mobile device makes a single request for content and thereafter receives the requested content, and does not send any second request, as required by the present claims. Therefore, a person of ordinary skill in the art, even in full possession of the applied combination, would not find it obvious to develop the claimed embodiments. Missing from both references, whether considered singly or in combination, is any teaching or suggestion of the claimed first and second requests. As the secondary reference does not teach or suggest that which is acknowledged to be missing from the primary reference, reconsideration and withdrawal of the §103(a) rejections of claims 1-38 are, therefore, respectfully requested.

The present amendment is properly enterable after final rejection for the following reasons. At the outset, the present amendment places this case in condition for allowance, as the cited combination of references has been demonstrated not to teach or to suggest the recited structure of the independent claims, as developed above. Moreover, none of the claims have been amended. Thus, all of the steps and structure recited in the amended independent claims has already been fully searched by the Examiner. Of course, the Examiner may wish to perform an updated search prior to allowing this application. However, such a search is not necessitated by any amendments to the claims, as none are made herein. The present application is also allowable without undue additional consideration, as the Examiner has already considered the claims in their present state. Indeed, any further consideration that might be required is believed

to be *de minimis*, as the present response is believed to place this application in condition for allowance without consideration of any new issues and/or subject matter. Therefore, it is believed that this application is allowable as it stands without requiring Applicant to expend additional fees to refile and re-prosecute this application.

It is believed that the present response overcomes the outstanding rejection and places this application in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any further questions regarding this amendment or the application in general, he need only call the undersigned, and whatever is needed will be done at once.

No additional fees are believed to be due with this communication. The Commissioner is hereby authorized to charge any additional fees, and to credit any overpayment of fees, which may be required under 37 C.F.R. §§ 1.16 or 1.17 to Deposit Account No. 15-0635, referencing OID-2001-028-01.

Respectfully submitted,

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